



PUBLIC NOTICE

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EXTENDING FILING AND REGULATORY DEADLINES FOR WIRELESS LICENSEES IN AREAS IMPACTED BY HURRICANES KATRINA AND RITA

THE WIRELESS TELECOMMUNICATIONS BUREAU CLARIFIES UNIVERSAL LICENSING SYSTEM FILING PROCEDURES

By this Public Notice, the Wireless Telecommunications Bureau (WTB) clarifies certain filing procedures for those licensees and applicants *affected* by Hurricanes Katrina and Rita. By way of background, in response to the devastation caused by Hurricane Katrina, WTB issued a Public Notice on September 1, 2005, announcing that certain filing requirements and regulatory deadlines for wireless licensees occurring between August 29, 2005 and October 30, 2005 were extended until October 31, 2005 for affected licensees and applicants in Louisiana, Mississippi, and Alabama.¹ On September 24, 2005, WTB provided similar relief to licensees affected by Hurricane Rita, announcing that filing requirements and regulatory deadlines occurring between September 20, 2005 and November 20, 2005, were extended until November 21, 2005 for affected licensees and applicants in Texas, Louisiana, and the Gulf of Mexico.² In this context, *affected* licensees and applicants include those licensees and applicants that operate facilities, or, in a significant manner essential to the business operation, rely on personnel, records, or financial institutions located in the affected states to provide services or to conduct substantial business activities with the Commission.³ In order to take advantage of the extended relief, WTB indicated that licensees and applicants must include with their filing a certification upon the penalty of perjury that the deadlines could not be met within the time otherwise provided in the Commission's rules because of the hurricanes.⁴

To further assist *affected* licensees and applicants that File FCC Forms 601, 603, and 605, WTB provides further guidance with respect to: 1) including the correct certification as outlined above and as explained in the *Katrina Extension Notice* and *Rita Extension Notice*; 2) avoiding paying unnecessary fees; and 3) requesting a refund in the event that unnecessary fees are paid.

¹ See "Wireless Telecommunications Bureau Announces Extension of Filing and Regulatory Deadlines for Wireless Licensees in Areas Impacted by Hurricane Katrina," *Public Notice*, DA 05-2406 (WTB rel. Sept. 1, 2005) (*Katrina Extension Notice*)

² See "Wireless Telecommunications Bureau Announces Extension of Filing and Regulatory Deadlines for Wireless Licensees in Areas Impacted by Hurricane Rita," *Public Notice*, DA 05-2521 (WTB rel. Sept. 24, 2005) (*Rita Extension Notice*).

³ *Katrina Extension Notice* at 1; *Rita Extension Notice* at 1.

⁴ *Katrina Extension Notice* at 2; *Rita Extension Notice* at 2.

(1) Including the correct certification as outlined above and as explained in the *Katrina Extension Notice* and *Rita Extension Notice*

In order to allow WTB to process filings submitted through the Universal Licensing System (ULS) as expeditiously as possible, a new "Attachment Type" has been created in ULS called "Hurricane Relief." This Attachment Type must be used to upload and attach to a filing a certification that states "upon penalty of perjury that the deadlines could not be met within the time otherwise provided in the Commission's rules because of the hurricane." To provide the required certification, licensees and applicants should upload a file with the certification, select Attachment Type "Hurricane Relief," and enter "Hurricane Relief Certification" in the File Description field on the Attachment Screen. Filings submitted manually should include an attachment with the hurricane-related certification and the following statement at the top of the attachment: "Hurricane Relief Certification."

(2) Avoiding paying unnecessary fees

Although the *Katrina Extension Notice* and *Rita Extension Notice* extended certain filing and construction deadlines for *affected* licensees and applicants, WTB cannot accurately determine in advance which licensees were affected and are entitled to relief. For example, some licensees in non-affected states may be entitled to relief because they rely on personnel, records, or financial institutions in the affected areas. As a result, the WTB cannot revise the ULS in advance to reflect the new deadlines for affected entities. Instead, the WTB will rely on certifications by licensees and applicants at the time they submit their filings as proof that relief is due and the filings are timely.

Toward this end, WTB has developed a temporary process until midnight, November 21, 2005, whereby *affected* licensees and applicants will not be charged waiver fees if filings are submitted pursuant to the relief provided in the *Katrina Extension Notice* and *Rita Extension Notice* and the steps outlined below are followed.

First, applicants should answer "yes" to the Waiver question on the form (question 11a on Form 601, 6a on Form 603, and 7 on Form 605), so that ULS will accept the filing even though the filing date appears untimely. Second, applicants must choose the Attachment Type called "Hurricane Relief" and provide the appropriate hurricane-related certification. By following these steps, applicants will avoid paying unnecessary waiver fees. **Note:** A separate waiver justification is not required as long as the filing is submitted pursuant to the relief provided in the *Katrina Extension Notice* and *Rita Extension Notice*. Failure to follow these instructions may result in the rejection of the application or a charge for the fees.

(3) Requesting a refund in the event that unnecessary fees are paid

We realize that some parties may not be aware of these temporary filing procedures when submitting filings and therefore may be charged unnecessary waiver fees. In this light, WTB reminds parties that they may request a refund of certain fees paid for a waiver pursuant to section 1.1113 of the Commission's rules⁵ if the fee for a waiver was unnecessarily paid because it was not required. In the event that parties submitted an application and unnecessarily paid the fee because the filing is in connection with the relief provided in the *Katrina Extension Notice* or the *Rita Extension Notice*, a request for refund of the fee for the waiver may be submitted to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325, Attention: Fee Refund. The request should include at the top of the first page a statement that reads (as applicable): "Application Waiver Fee Refund Request –

⁵ 47 C.F.R. § 1.1113.

Impacted by Hurricane Katrina” or “Application Waiver Fee Refund Request – Impacted by Hurricane Rita,” and a justification for the requested fee refund. The justification must include the above-described correct certification that the licensee or applicant was at the time an *affected* licensee or applicant, and that the application was submitted within the period permitted by the *Katrina Extension Notice* and/or the *Rita Extension Notice*. These requests will be processed on an expedited basis. Failure to comply with this guidance and to provide the required information will delay the processing of any request for refund.

For additional information regarding submitting filing via ULS please contact the ULS Customer Support Hotline via eSupport at eSupport.fcc.gov or by telephone at (877) 480-3201 (TTY) (717) 338-2824, or (717) 338-2888 and select option 2. Hours are from 8 a.m. to 7:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.